

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

ORDER NO. 98-229

EASTERN LOTUS, INCORPORATED PROPERTY OWNER, AND  
THERESA WANG, PROPERTY MANAGER.

CLEANUP AND ABATEMENT OF DISCHARGES AT EASTERN LOTUS  
PROPERTY LOCATED ON ROCK MOUNTAIN DRIVE, NEAR  
FALLBROOK,  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. Eastern Lotus, Incorporated (Eastern Lotus), owner of a 35.56 acre parcel of hillside land near Rock Mountain Drive, San Diego County, Parcel Number 102-105-01 -00, and Ms. Theresa Wang, manager of this property, have stripped the property of all vegetation, causing or permitting sediment from the property to be deposited in the adjacent canyon, a tributary to the Santa Margarita River, by erosion during recent rain events. Sediment deposited in the canyon probably will be discharged to the Santa Margarita River, where it will cause conditions of pollution or nuisance.
- 1 Eastern Lotus, et al, threaten to cause or permit additional sediment from the property to be deposited in the canyon as a result of winter rainfall events, whence the sediment probably will be discharged to the Santa Margarita River, where it will cause or threaten to cause conditions of pollution or nuisance.
3. The discharge of sediment has caused the waters in the adjacent canyon to exceed water quality objectives for sediment, suspended solids and turbidity, which constitutes a condition of pollution.
4. Inadequate protection of the soil on the Eastern Lotus property continues to present a direct threat of the discharge of silt and sediment to the adjacent canyon and to the Santa Margarita River. Theresa Wang's failure to develop and implement an erosion control plan containing best management practices (BMP's) for erosion control at the Eastern Lotus property threatens to cause additional deposition/discharges of silt & sediment to the downstream canyon and river.

5. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

**IT IS HEREBY ORDERED** that, pursuant to Section 13304 of the California Water Code, Eastern Lotus and Theresa Wang (hereinafter dischargers) shall immediately clean up the wastes (silt and sediment) discharged to the canyon and Santa Margarita River and shall abate the effects of the discharges in the canyon and Santa Margarita River, as follows:

1. The dischargers shall develop and implement an erosion control plan which will protect the Eastern Lotus property from accelerated erosion and prevent the discharge of storm water pollutants, including sediment and silt, *from such* property.
2. The dischargers shall submit a copy of the erosion control plan to the Regional Board by January 8, 1999.
3. The dischargers shall conduct an evaluation of the quantity and environmental impact of any sediment which has been discharged from the Eastern Lotus property since the land was cleared in mid 1998.
4. The dischargers shall report the findings of such an evaluation to the Regional Board by February 1, 1999.
5. The dischargers shall develop a plan to cleanup all sediment deposited in the canyon or discharged to the watercourse in the canyon or to the Santa Margarita river, and abate the pollution and nuisance associated with the deposition or discharge of waste from the Eastern Lotus property by restoring affected areas to pre-existing conditions.
6. The dischargers shall submit the cleanup plan to the Regional Board by March 1, 1999.
7. The dischargers shall obtain all necessary approvals from the California Department of Fish and Game, the U. S. Army Corps of Engineers, the U. S. Fish and Wildlife Service, the County of San Diego, and any other agency with jurisdiction for all streambed cleanup and restoration work which might be required to mitigate for the environmental impacts caused by the silt and sediment discharges.
8. The dischargers shall allow the Regional Board, or an authorized representative, access to the dischargers' premises at reasonable times to conduct inspections or monitoring to determine compliance with this Order or as otherwise authorized by the California Water Code.

*Pursuant to California Water Code Section 13350, any person who intentionally or negligently violates a cleanup and abatement order may be civilly liable in an amount which shall not exceed five thousand dollars (\$5, 000), but shall not be less than five hundred dollars (\$500), for each day in which the cleanup and abatement order is violated.*

JOHN H.  
ROBERTUS  
Executive Officer

Date Issued: December 22, 1998

GBP:gbp